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10/057,463	01/24/2002	Allan Herrod	554B	1029

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ONE SYMBOL PLAZA
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EXAMINER	
TRAN, CONGVAN	
ART UNIT	PAPER NUMBER
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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 10/057,463
Filing Date: January 24, 2002
Appellant(s): HERROD ET AL.

Himanshu S. Amin
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed Oct 31 2005 appealing from the Office action mailed Jul. 07, 2005.

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

No amendment after final has been filed.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,778,177	AZAR	7-1998
5,717,430	COPLAND	2-1998
5,756,978	SOLTESZ	5-1998

5,991,276	YAMAMOTO	11-1999
6,039,258	DURBIN	3-2000

(9) Grounds of Rejection

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 75, 77-78, 95-96 are rejected under 35 U.S.C. 102(e) as being anticipated by Azar (5,778,177).

Regarding claims 75, 77, Azar discloses interactive scanning device comprising a computer terminal with an optical reader arranged to receive a data input query from the customer utilizing the terminal and relating to one or more product located in a product access zone (see abstract, fig.3, elements 10, 12 and its description); remote link that receives a wireless signal from an access point and transmits the wireless signal to the computer terminal, wherein the wireless signal is associated with information relating to the one or more products within the product access zone (see abstract, fig.3, elements 10, 12, col.1, lines 48-52 and its description); and a display that presents an image of the one or more products to be accessed by the user, the

image is based at least in part upon the wires signal (see abstract, fig.3, element 14 and its description).

Regarding claim 95, Azar discloses interactive scanning device comprising providing a computer terminal to a user which is utilized within the enclosed environment (see abstract, fig.3, element 10 and its description); receiving a signal that provides information relating to specified products within a predetermined radius of the user (see abstract, fig.3, elements 10, 12, col.1, lines 48-52 and its description); displaying a image of each of specified products via the computer terminal (see abstract, fig.3, element 14 and its description).

Regarding claim 96, Azar discloses interactive scanning device comprising means sending a wireless signal to a computer terminal (see abstract, fig.3, element 12, col.1, lines 48-52 and its description); means for receiving the wireless signal the wireless signal via computer terminal indicative of at least one product within a product access zone (see abstract, fig.3, element 10, col.1, lines 48-52 and its description); means for associating at least one image with at least one product located within the product access zone (see abstract) and means for displaying the at least one image on the computer terminal (see abstract, fig.1, element 14 and its description).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 76, 80-87, 92 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azar (5,778,177) in view of Durbin et al. (6,039,258).

Regarding claim 76, Azar discloses all the subject matters described in rejected claim 75, except for the optical reader is a bar code reader. However, Durbin further discloses a hand-held portable data collection terminal system comprising: an optical reader is a bar code reader, which functions to generate the query by scanning a bar code symbol (see fig.6, element 100 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use Durbin's bar code reader to the Azar's system in order to improve the use of scanner device.

Regarding claims 80, 85, Durbin further discloses the display is included in the housing terminal (see fig.6 and its description).

Regarding claim 81-84, 86-87, 92, Durbin further discloses the query is relayed to a server and the terminal receives responsive data server, using wireless communication (see col.4, lines 24-49).

5. Claims 79, 88 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azar (5,778,177) in view of Yamamoto (5,991,276).

Regarding claim 79, 88, Azar discloses all the subject matters described in rejected claims 75, 77, except for scaling the data to the size of display. However, Yamamoto discloses a videoconference system comprising image scanner for scaling the data to the size of display (see fig.4, element 16, 19 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention

Art Unit: 2688

was made to use Yamamoto's scaling image in Azar's system in order to improve the use of the optical reader and to make the images fit to the screen of the computer terminal.

6. Claims 89-90 are rejected under 35 U.S.C. 103(a) as being unpatentable over Azar (5,778,177) in view of Soltesz (5,756,978).

Regarding claims 89-90, Azar discloses all the subject matters described in rejected claims 75, 77, except for identifying user to the system via a magnetic card wipe slot. However, Soltesz discloses a modular optical memory card image displays point on sale terminal comprising identifying user to the system via a magnetic card wipe slot (see fig.1, element 26 and its description). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Soltesz's identifying user in Azar's system in order to improve the use of the optical reader for identifying the person.

7. Claims 91 is rejected under 35 U.S.C. 103(a) as being unpatentable over Azar (5,778,177) in view of Copland (5,717,430).

Regarding claims 91, Azar discloses all the subject matters described in rejected claims 75, 77, except for speaker and voice synthesizer. However, Copland discloses computer controls product including optical scanner, speaker and voice synthesizer (see col.1, lines 18-27). Thus, it would have been obvious to one having ordinary skill in the art at the time the invention was made to use the Copland's speaker and voice synthesizer in Azar's system in order to improve the use of the optical reader.

(10) Response to Argument

Appellant argues that the instant invention is distinct from the Azar reference, however, the examiner maintains that a reasonable interpretation of the claims render them broader than Appellant is arguing and broad enough to read on Azar as will be explain below.

Regarding claim 75, The examiner would first like to point out that details of the of the claimed system are independent^y recited with little or no limitations tying them together, that is the claim recites that "a computer terminal" needs an "optical reader" to input data "relating to one or more products located in a product zone," a remote link" which receives a wireless signal and transmits it to "the computer terminal". The wireless signal is associated with information relating to products in the zone, however there is no requirement that the wireless signal is associated with the particular product that has been input into the computer by the optical reader. And a display that presents an image of a product in the zone, based upon the wireless signal (not necessarily related to the input data).

Therefore, since the claim does not even require the wireless signal or the image displayed to be or have anything to do with what is input to the computer by the optical reader, Appellant arguments that "the claimed invention mitigates the need..." are not persuasive. The examiner further notes that although the claims are read in light of the specification, details of the specification are not read into the claims.

Regarding Appellant characterization of the Azar reference, the examiner would like Appellant to consider the following:

First, in the background Azar states that the system can be used for "video-based shopping" and the like and therefore, it is considered that the information that could be input into the system of Azar would meet the claimed "product located in a product access zone".

Second, the system of Azar works and meets the claim, as follows:

Referencing fig.1, the end user station (on the left) would scan in a product in a product access zone, then wirelessly transfer the product information to the second user station (on the right). The second user station is the station that meets the claim. It (see also fig.3) has a computer terminal (10) with optical reader (12) to receive data input from the user customer, a remote link (wireless receive not shown) to receive the image data sent from the first (left) station and to transmit it to the computer terminal, and a display (14) to display the received wireless signal data. Note that the claim does not require the information that is displayed to correspond with the information that is scanned in and therefore the second station, which receives data wirelessly from first station merely,

Art Unit: 2688

needs the ability to scan in product information (which it does since it has a reader of its own), but only need to receive and display information from any product.

Therefore Azar meets the broadly recited claim as reasonably interpreted by the examiner.

The issues regarding all other claims are the same and thus have been considered to be met by the above described rendering of Azar. As a result, Azar teaches every limitation set forth in claims 75, 77-78, 95 and 96.

Since, Appellant argues for claims 76, and 79-93 based on the limitations stated on pages 5-7, such as "remote link that receives a wireless signal from an access point and transmits the wireless signal to the computer terminal, wherein the wireless signal is associated with information relating to the one or more products within the product access zone" such limitations have been explained in independent claim 75 above. Therefore the rejection of claims 76, and 79-93 are proper.

(11) Related Proceeding(s) Appendix

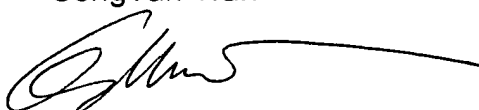
No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections are proper, and the Board of Patent Appeals and Interferences is therefore respectfully urged to sustain the Examiner's rejection.

Respectfully submitted,

Art Unit: 2688

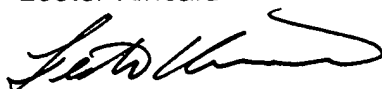
CongVan Tran

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Jan. 20, 2005.

Conferees:

Lester Kincaid

A handwritten signature in black ink, appearing to read 'Lester Kincaid', with a long horizontal flourish extending to the right.

George Eng

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